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T-530 P.002/003 F-434

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Attorney Docket No. PA792D1
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of)
Tiedemann et al.) For: METHOD AND APPARATUS
) FOR MAXIMIZING THE USE OF
) AVAILABLE CAPACITY IN A
) COMMUNICATION SYSTEM
Serial No. 09/779,719) Examiner: Toan D. Nguyen
)
Filed: February 8, 2001) Group No.: 2665

TERMINAL DISCLAIMER TO OBIATE A DOUBLE PATENTING REJECTION
UNDER 37 CFR §1.321(c)

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
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I, Roberta A. Young, am the attorney of record for this invention. The assignee,
QUALCOMM Incorporated, is located at 5775 Morehouse Drive, San Diego, California 92121.

EXTENT OF DISCLAIMANT'S INTEREST

The extent of the interest in this invention that the disclaimant owns is the whole of this
invention.

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Terminal Disclaimer - Granted Patent VER1.11/16/04

PAGE 2/3 * RCVD AT 11/7/2005 7:50:59 PM [Eastern Standard Time] * SVR:USPTO-EFXXF-634 * DNIS:2738300 * CSID:+8586515400 * DURATION (mm:ss):01:02

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The terminal part of the statutory term of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. § 154-156 and 173 of United States Patent No. 6,317,435 is hereby disclaimed, except as provided below, and it is agreed that any patent so granted on the above-identified application shall be enforceable only for, and during, such period that the legal title to said patent shall be the same as the legal title to United States Patent No. 6,317,435, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

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The Commissioner is hereby authorized to charge payment of the Terminal Disclaimer Fee of \$130.00 under 37 CFR § 1.20(d) and any additional fees which may be required, or credit any overpayment, to Deposit Account No. 17 - 0026. A duplicate of this sheet is enclosed for charge purposes.

Respectfully submitted,

Dated: November 7, 2005

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